

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,601

IN THE MATTER OF:

Served July 5, 2007

Application of GLOBAL MARKETING	)	Case No. AP-2007-027
SYSTEMS, INC., Trading as EXECUTIVE	)	
LIMOUSINE SERVICE, for a	)	
Certificate of Authority --	)	
Irregular Route Operations	)	

This matter is before the Commission on applicant's request for waiver of Commission Regulation No. 61.

Commission Regulation No. 61 requires each WMATC carrier to display its name and WMATC number on both sides of each vehicle used in WMATC operations. Applicant has requested that the Commission waive the application of Regulation No. 61 with respect to applicant's 10-person stretch limousine on the ground that the vehicle in question is "brand new".

"The markings required by Regulation No. 61 help assign responsibility, and facilitate recovery of compensation, for damage and injuries caused by carriers operating under WMATC authority. Such markings facilitate the processing of customer complaints, as well."<sup>1</sup> They also "assist State officials conducting roadside inspections and accident investigations in attributing important safety data to the correct motor carrier."<sup>2</sup> "These purposes must be balanced against other considerations, such as competitive harm."<sup>3</sup>

WMATC carriers operating limousines and luxury sedans seating nine persons or less, including the driver, must compete against non-WMATC carriers operating such vehicles. Non-WMATC carriers may legally operate such vehicles in the Metropolitan District pursuant to the "bona fide taxicab service" exclusion in Article XI, Section 3(f), of the Compact, as defined in Regulation No. 51-09. Non-WMATC carriers typically are not required to mark such vehicles. Requiring WMATC carriers to mark such vehicles thus would put them at a competitive disadvantage relative to non-WMATC carriers.<sup>4</sup>

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<sup>1</sup> *In re Escort Limo. Serv., Inc.*, No. AP-03-48, Order No. 7512 (Nov. 5, 2003); *In re Prime Transp. Servs., Inc.*, No. AP-02-92, Order No. 7511 (Nov. 5, 2003).

<sup>2</sup> Order No. 7512 (citing 65 Fed. Reg. 35297, 35298 (June 2, 2000)); Order No. 7511 (same).

<sup>3</sup> Order No. 7512; Order No. 7511.

<sup>4</sup> Order No. 7512; Order No. 7511.

There is no "bona fide taxicab service" exclusion, however, when it comes to operations in vehicles seating more than nine persons, including the driver. Hence, WMATC carriers operating such vehicles between points in the Metropolitan District do not have to compete with non-WMATC carriers operating such vehicles between points in the Metropolitan District.<sup>5</sup>

Accordingly, the Commission routinely waives Regulation No. 61 with respect to limousines and luxury sedans seating nine persons or less, including the driver.<sup>6</sup> Limousines and luxury sedans seating more than nine persons, including the driver, but less than 16 persons, including the driver, must at a minimum display the carrier's WMATC number.<sup>7</sup>

THEREFORE, IT IS ORDERED, that the request for full waiver of Regulation No. 61 is denied.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

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<sup>5</sup> Order No. 7512; Order No. 7511.

<sup>6</sup> In re Olga Jeannette Ayala-Wynkoop, t/a Koops Limo. Serv., No. AP-2005-149, Order No. 9781 (July 28, 2006).

<sup>7</sup> Id.